

AMENDMENT TO THE DRAWINGS

The single (1) attached drawing sheet includes changes to Figure 4. Specifically, the lead line for numeral 206 was extended to the lifting shoe. This sheet, which includes Figure 4, replaces the previous sheet including Figure 4.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Claims 1, 3, 5-8, 10, and 12-14 are now pending in this application. Claims 1 and 8 are independent claims. Claims 1, 6-8, 10, 13, and 14 have been amended without prejudice. Claims 2, 4, 9, 11 and 15-17 have been cancelled without prejudice. Claims 18-21 are withdrawn.

Drawings

Amendments to the drawings were requested by the Patent Office (Office Action, Page 2). The drawings have been amended to reflect all of the requested changes. The drawings were objected to by the Patent Office under 37 CFR 1.83(a). (Office Action, Page 3). Claims 4 and 11 were cancelled, thereby obviating the objection under 37 CFR 1.83(a).

Claim Rejections – 35 USC § 112, 1st Paragraph

Claims 2 and 9 were rejected under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement requirement. (Office Action, Page 3). Claims 4 and 11 were rejected under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the written description requirement. (Office Action, Page 4). Claims 2, 4, 9 and 11 were cancelled, thereby obviating all rejections under this section.

Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 1-17 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, Pages 4-7). Amendments were made to Claims 1, 6-8, 10, and 13, while Claims 15-17 were cancelled, thereby obviating all rejections under this section.

Claim Rejections – 35 USC § 102(b)

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lasar USPN: 2,969,815 (hereinafter: Lasar). (Office Action, Pages 7-8). Applicant

respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Applicant contends that independent Claims 1 and 8 include elements that have not been disclosed, taught or suggested by Lasar. For example, Claims 1 and 8 of the present application claim a quick-pin blade tensioning device for a band saw wherein:

“the tension handle, when in the first position, moves the pin out of contact with the lifting shoe and releases tension from the band saw blade and, when in the second position, moves the pin into contact with the lifting shoe and applies tension to the band saw blade.”

The Patent Office cited structure (56) of Lasar as teaching a pin as claimed in the present invention. (Office Action, Page 7). The Patent Office further cited structure (28) of Lasar as teaching a lifting shoe as claimed in the present invention. (Office Action, Page 7). As cited above, the pin of the present invention may be moved out of and into contact with the lifting shoe by positioning the tension handle in first and second positions respectively. In Lasar, the purported pin (56) is insertably mounted within the purported lifting shoe (28), meaning that the purported pin (56) is *always* in contact with the purported lifting shoe (28). (Lasar, Column 3, Lines 24-27, Figure 4). Therefore, Lasar does not teach a pin as claimed in the present invention.

Therefore, based on the above rationale, it is contended that Lasar does not teach, suggest, or disclose the above-referenced elements of Claims 1 and 8 of the present application. Under *Lindemann*, a prima facie case of anticipation has not been established for Claims 1 and 8. Thus, independent Claims 1 and 8 should be allowed. Dependent Claims 3 and 5-7 (which depend on independent Claim 1) and dependent

Claims 10 and 12-14 (which depend on independent Claim 8) should also be allowed.

Claims 2, 4, 9, 11 and 15-17 have been cancelled without prejudice.

Claim Rejections – 35 USC § 103(a)

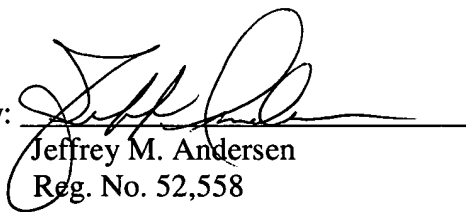
Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lasar. It is contended that the Claim rejected under this section depends on independent Claim 8 which is non-anticipatory and non-obvious based on the rationale above. Thus, dependent Claim 10 (which depends on independent claim 8) should be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of
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